

Message Text

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ORIGIN OES-06

INFO OCT-01 NEA-10 IO-13 ISO-00 SSO-00 NSCE-00 INRE-00
FEA-01 ACDA-07 CIAE-00 INR-07 L-03 NSAE-00 NSC-05
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-----312324Z 112060 /44

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FM SECSTATE WASHDC
TO USMISSION IAEA VIENNA IMMEDIATE
INFO AMEMBASSY TEL AVIV

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E.O. 11652: GDS

TAGS: TECH, ENRG, IS

SUBJECT: S-ISRAEL AGREEMENT FOR COOPERATION
B
REF: (A) IAEA VIENNA 2165 (B) STATE 59601

1. ISRAELI EMBASSY HAS PROPOSED FOLLOWING CHANGE IN
DRAFT PROTOCOL CONTAINED IN REFTEL. IN PARA 1 OF REFTEL
(A), LAST CLAUSE, SUBSTITUTE FOLLOWING: "NOW, THEREFORE,
PENDING THE ENTRY IN FORCE OF A NEW AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF
ISRAEL; THE INTERNATIONAL ATOMIC ENERGY AGENCY, ..."
CONTINUE AS BEFORE.

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2. DEPARTMENT IS CONCERNED THAT PHRASE "ENTRY INTO FORCE
OF A NEW AGREEMENT" COULD BE MISCONSTRUED TO BE THE US-
ISRAEL POWER AGREEMENT IF AND WHEN THAT AGREEMENT IS
SIGNED AND ENTERS INTO FORCE. THUS WE PROPOSE THAT
SUGGESTED ISRAELI WORDING BE CHANGED TO READ, "NOW,
THEREFORE, PENDING THE ENTRY INTO FORCE OF AN AGREEMENT
PROVIDING FOR CONTINUATION OF COOPERATION UNDERTAKEN

PURSUANT TO THE AGREEMENT FOR COOPERATION...." CONTINUE
AS BEFORE. (AGREEMENT FOR COOPERATION IS DEFINED IN

PREAMBULAR PORTION OF PROTOCOL.)

3. THE MISSION IS REQUESTED TO OBTAIN IAEA VIEWS ON OUR
LANGUAGE.

4. FYI. ISRAELIS ALSO PROPOSED THAT LAST SENTENCE OF
PROPOSED U.S. NOTE (CONTAINED IN REF B) BE CHANGED TO
READ, "IT IS AGREED THAT THE AGREEMENT FOR COOPERATION
AND THE UNDERSTANDINGS SHALL CONTINUE IN FORCE..."
SIMILARLY, THAT LAST SENTENCE OF ISRAELI NOTE READ: "THE
GOVERNMENT OF ISRAEL AGREES THAT THE AGREEMENT FOR CO-
OPERATION AND THE UNDERSTANDING SET FORTH..." THESE
PROPOSED CHANGES ARE NOT ACCEPTABLE TO THE U.S. SINCE
THEY WOULD CONSTITUTE AN EXTENSION OF THE AGREEMENT WHICH
WOULD REQUIRE PRESIDENTIAL APPROVAL AND MUST LIE BEFORE
CONGRESS FOR 60 DAYS.

5. ALTERNATIVELY, THE ISRAELIS PROPOSED AS A FALLBACK
POSITION THAT THE LAST SENTENCE OF BOTH NOTES CONCLUDE
WITH THE PHRASE: "...SHALL CONTINUE IN FORCE UNTIL A
NEW AGREEMENT WILL BE MUTUALLY AGREED BETWEEN OUR TWO
GOVERNMENTS." AGAIN, FOR THE SAME REASON CITED IN PARA
2 ABOVE, THE U.S. PLANS TO PROPOSE THE FOLLOWING LANGUAGE
AFTER THE PHRASE "SHALL CONTINUE IN FORCE": "PENDING
THE ENTRY INTO FORCE OF AN AGREEMENT PROVIDING FOR CON-
TINUATION OF COOPERATION UNDERTAKEN PURSUANT TO THE
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AFOREMENTIONED AGREEMENT FOR COOPERATION." WE PLAN TO
INFORM THE ISRAELI EMBASSY OF OUR SUGGESTED MODIFICATIONS
IN THEIR LANGUAGE WHEN WE OBTAIN THE IAEA VIEWS ON THE
CHANGE IN THE PROTOCOL. END FYI.
CHRISTOPHER

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